



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,771	03/24/1999	MASAHIRO SHIOJI	990306	8875

23850 7590 11/20/2002

ARMSTRONG, WESTERMAN & HATTORI, LLP  
1725 K STREET, NW.  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

M

**Office Action Summary**

Application No.

09/274,771

Applicant(s)

SHIOJI, MASAHIRO

Examiner

Nhan T. Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).

Kuba et al. disclose a digital camera that has a normal pickup mode (single pick-up mode) in which images of an object are picked up one by one, a continuous image pickup mode in which images of an object are picked up continuously (see fig. 25), a normally picked up

Art Unit: 2615

image reproduction mode in which an image picked up in the normal image pickup mode is reproduced and a continuously picked up image reproduction mode in which an image picked up in the continuous image pickup mode is reproduced (see fig. 21(A) & (B); col. 20, lines 47-56 & col. 22, lines 5-14), comprising:

memory means for storing an image (see col. 21, lines 4-12);

image display means for displaying an image (see fig. 21(A) & (B); col. 21, line 65 – col. 22, line 4);

first writing means for storing each image picked up in the normal image pickup mode (independent data) in the memory means (see col. 21, lines 47-60);

second writing means classifying into groups and storing in the memory means a plurality of images picked up in the continuous image pickup mode, session by session (see fig. 5, 6 & 24; col. 21, lines 47-65)

first selecting means for selecting, in the normal picked up image reproduction mode, a desired image among images stored in the memory means (see col. 16, lines 9-15);

second selecting means for selecting, in the continuously picked up image reproduction mode, a desired image group (i.e. the image group 32 or 28 as shown in fig. 25(A) & (B), 21(A) & (B)) among image groups stored in the memory means, and a desired image (i.e. 33 or 34) among the plurality of images belonging to the image group (see col. 16, lines 9-15 & col. 21, line 65 – col. 22, line 4);

first reading means for taking out the images selected by the first and second selecting means from the memory means and applying the image to the image display means (see col. 21, line 61 – col. 22, line 14).

Regarding claim 2, Kuba et al. further disclose that the second writing means forms a reduced image of each image and stored the reduced image (i.e. 2, 3, 4) to the memory means (see fig. 21(A) & (B));

third selecting means for selecting, in the continuously picked up image reproduction mode, a predetermined number of reduced images (i.e. 16 reduced images to fit into the screen as shown in fig. 21(A) & (B)) among reduced images (for example, 20 continuous images taken in the continuous pick-up mode) of leading images (only the first 16 images out of 20 are displayed) of respective image groups stored in the memory means;

second reading means for reading (subdirectory in the hierarchical directory) the prescribed number of reduced images selected by the third selecting means from the memory means, forming an image of one image plane (by pressing PLAY switch 11a) from the predetermined number of reduced images, and applying the image to the image display means (see col. 16, lines 9-15); wherein

the second selecting means selects the image group (i.e. 32 or 28) by selecting a desired reduced image from the predetermined number of reduced images displayed on the image display means (see fig. 25(A) & (B), 21(A) & (B))

Regarding claim 3, Kuba et al. also disclose the digital camera that has a continuous reproduction mode (continuous play) in which a plurality of images belonging to a selected image group are continuously reproduced (see fig. 65; col. 32, lines 25-26), and

Art Unit: 2615

third reading means for taking, in the continuous reproduction mode, a plurality of images belonging to the image group selected by the second selecting means and continuously applying the images to the image display means (see fig. 68; col. 34, lines 11-24).

Regarding claim 4, the digital camera also has a moving mode for moving an image (fig. 32(A)-(C)), and the camera comprises:

moving means for physically rearranging a plurality of predetermined data records within the storage medium (as shown in fig. 32). This rearrangement clearly presents extracting an image selected by the second selecting means from the image group to which the image belongs, and storing the extracted image to the storing means of the same directory as with an image pickup in the normal pickup mode (see col. 24, lines 22-37).

Regarding claim 5, Kuba et al. further disclose that the digital camera has a copy mode for copying an image and comprises:

copying means for copying image data files within the storage medium (as shown in fig. 60 & 130). This clearly presents copying means for forming a copy image of an image selected by the second selecting means and storing the copied image in the memory means of the same directory as for an image picked up in the normal image pickup mode (see col. 31, lines 14-29 & col. 47, lines 27 & 44-46).

Regarding claim 6, the digital camera of Kuba et al. also has a deletion mode (DEL) for deleting stored image data (see fig. 36), comprising:

first deletion means for deleting the image selected by the first and second selecting means among images stored in the memory means (col. 26, lines 28-29);

inherent second deletion means for deleting an image group selected by the second selecting means among image groups stored in the memory means (col. 26, lines 28-29). Since the image groups are constructed with the hierarchical directory and tree display method, it is inherent for the image group to be deleted in such the camera system.

Regarding claim 7, the claimed limitations are accommodated with respect to claim 1, and in addition, storing means where directories are formed (fig. 5 & 6) for storing files of picked up image data in the memory means and store each of images picked up in the normal image picked up mode (independent data) in one of the directories (i.e., A, B or C), and classify into groups (i.e., subdirectories b, c) and then store a plurality of images picked up in the continuous image pickup mode (group data), session by session of continuous image pickup, in another of the directories (i.e., E, F, G) (see fig. 5, 6, 25; col. 21, lines 53-65).

Regarding claim 8, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 9, the claimed limitations are accommodated with respect to claim 1.

Regarding claim 10, the claimed limitations are accommodated with respect to claim 2.

Regarding claim 11, the claimed limitations are accommodated with respect to claim 3.

Regarding claim 12, the claimed limitations are accommodated with respect to claim 4.

Regarding claim 13, the claimed limitations are accommodated with respect to claim 5.

Regarding claim 14, the claimed limitations are accommodated with respect to claim 6.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.  
November 18, 2002



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600